Message

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Ex. 5 Deliberative Process (DP)

Subject: News Articles (For EPA Distribution Only)

BNA DAILY ENVIRONMENT REPORT ARTICLES

3M, DowDuPont, Chemours Must Face PFAS Class Action

Posted Sept. 30, 2019, 6:23 PM

Major chemical manufacturers must face claims in Ohio federal court that their production of flourinated chemicals have exposed Americans nationwide to a suite of health risks.

INSIDEEPA.COM ARTICLES

House Panel Advances Asbestos, PFAS Bills On Primarily Partisan Vote

A House Energy and Commerce Committee panel has advanced on a primarily partisan basis a bill to ban all uses of asbestos and a package of 13 bills to deal with per- and polyfluoroalkyl substances (PFAS), though one PFAS bill drew broad bipartisan support and Republicans said they are open to negotiating with Democrats on several others before a full committee vote.

Amid Uncertain Outlook, Senate Spending Panel Moves EPA FY20 Bill

The full Senate Appropriations Committee has approved a fiscal year 2020 spending bill for EPA and several other agencies that funds the agency at $9.01 billion, a $161 million boost over current levels that includes either modest increases or flat funding for numerous EPA programs.

EPA, plaintiffs battle over landmark TSCA fluoridation trial schedule

Environmentalists are opposing EPA's request to delay the first-time TSCA trial by 65 days, arguing in part the agency had agreed to the trial schedule one week before making its request.

Senate EPW backs CSB nominee but vacancies raise concerns

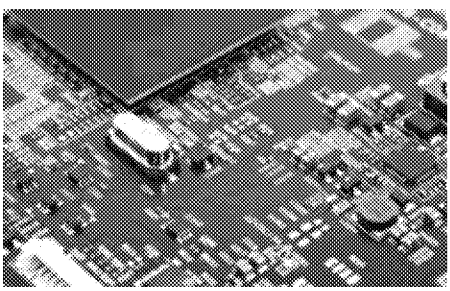
The Senate environment panel has approved President Donald Trump's nominee to lead the Chemical Safety Board (CSB), though a key GOP senator wants Trump to fill other current and pending CSB vacancies.

CHEMICAL WATCH ARTICLES

China publishes RoHS2 conformity guidelines

Implementation from 1 March 2020

30 September 2019 / China, Electrical & electronics, RoHS (non-EU)



China's standards administration has published the guidelines to accompany the conformity assessment rules under RoHS2.

The State Administration for Market Regulation (SAMR) and the Standardization Administration of China (SAC) formally approved the guidelines for publication on 30 August, which will be implemented from 1 March 2020.

The guidelines – known as the voluntary national standard GB/T 37876-2019 – together with the conformity rules, aim to support the implementation of China RoHS2.

They outline the relevant technical regulations and requirements to help upstream and downstream companies comply with RoHS2.

They contain information on:

- the risk assessment of hazardous substances in electrical and electronic products;
- how to prepare the supporting documents required for conformity assessment;
- product conformity evaluation;
- how to prepare a declaration of conformity for the use of hazardous substances; and
- how to maintain evaluation results.

The guidelines specify that organisations must identify the risk factors for possible mixing of hazardous substances at various stages of the product lifecycle, in particular during the product design and manufacturing process.

This can be in accordance with the technical standard SJ/T 11467 – risk assessment for hazardous substances in electrical and electronic products – or other industry standards.

According to the risk evaluation results, the organisation must collate supporting documents and information related to the compliance of the product(s) as the basis for product conformity evaluation.

Supporting documents include but are not limited to the following items:

- the substance testing or assessment report of a product (especially high-risk parts or materials), which meet the requirements of GB/T 26125 2011; or
- other technical specifications adopted or referenced, including technical documents or international standards.

Appendix B is an example declaration of the conformity of hazardous substances for use in electrical and electronic products.

The deadline for companies to prove compliance of the products listed under China RoHS2 is 1 November this year.

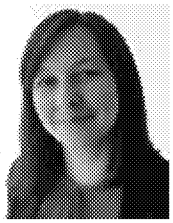
The guidelines are currently only available to view online within China. Chemical Watch has provided a low resolution copy below for reference.

Background

On 15 March 2018, the Ministry of Industry and Information Technology (MIIT) published the final list of electrical and electronic products (EEPs) that must comply with the RoHS2 regulations.

It contains 12 product types, which are subject to the hazardous substance restriction limits set out in the national standard GB/T 26572 2011. An exemption list, published at the same time, contains details of 39 products or component parts of products that are exempt from the restrictions.

This article was updated on 30 September to clarify that the guidelines have been published.



Ellen Daliday

Asia reporter

Related Articles

- China issues RoHS2 conformity assessment rules
- MIIT Order 32: China RoHS2. CW English translation (2016 revision)
- GB/T 26572-2011: Concentration limits for restricted substances in EEPs. CW English translation
- China issues final RoHS2 product catalogue
- GB/T 26572-2011: Concentration limits for restricted substances in EEPs. CW English translation

Further Information:

- SAC announcement (in Chinese)
- Information about GB/T 37876-2019 (in Chinese)
- Low resolution version on RoHS guideline

'Definitive answers' needed on Brexit – CBA

1 October 2019 / Brexit, Europe, UK

With less than one month to go before the UK is due to leave the EU, industry "awaits definitive answers" from politicians, the Chemical Business Association (CBA) has said.

In meetings with ministers and officials, organisations such as the CBA have highlighted the "damaging uncertainty" a no-deal Brexit would bring, the association's chief executive Peter Newport says.

If MPs do not approve a Brexit deal, or vote in favour of a no-deal, by the 31 October deadline, UK prime minister Boris Johnson is obliged to request an extension from the EU until 31 January 2020. All EU member states must agree any extension offer.

Mr Johnson is expected to bring another vote on an early general election to the House of Commons, but opposition MPs are unlikely to accept it until the law aimed at blocking a no-deal Brexit is implemented.

As a result of the continuing political impasse, Mr Newport says businesses have implemented contingency plans "to protect themselves and ensure that they can continue to supply products to their customers".

This has led to a "significant number" of supply chain companies creating subsidiaries in EU member states, while others have transferred key products to EU-based companies to guarantee continued regulatory compliance and market access.

In business, Mr Newport says, some things are urgent, while others are important. "But very few issues are simultaneously urgent and important. For the continued growth of the UK's chemical sector and the downstream sectors it supports, Brexit and the questions it raises is an exception to this rule."

Read more about Mr Newport's perspectives in his guest column on Brexit.

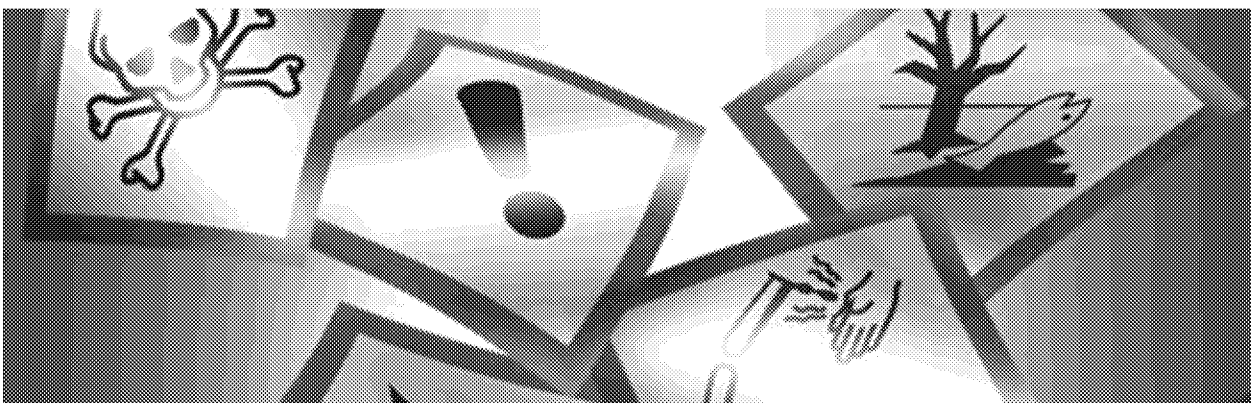
Related Articles

- Guest Column: Brexit – too many questions in search of definitive answers

REACH & CLP Hub: GHS – the status quo

1 October 2019 / Classification, GHS, Global, Labelling

Dr Judith Breuer, project manager product safety, knoell Germany, writes about trends in GHS implementation.



The declared objective of the Globally Harmonized System of classification and labelling of chemicals (GHS) is the protection of human health and the environment by way of an internationally harmonised approach.

Nearly two decades have passed since the World Summit on Sustainable Development encouraged countries upon adoption of the first edition of GHS in 2002 to implement the system as soon as possible. However, according to the UN's Global Chemicals Outlook II, which was published earlier this year, more than 120 countries had not implemented the GHS as of 2018.

In May 2018 the OECD Council adopted its Act on Co-operative Investigation and Risk Reduction of Chemicals which made it mandatory for its members and accession countries to implement the GHS. The Act had little impact on most OECD member countries since they had already implemented the GHS but it did on those member countries that have

not yet completed their GHS implementation, such as Chile and Israel, and certainly on all countries that are prospective members of the OECD.

During the last two years there has been a considerable increase in the number of countries pursuing GHS implementation - possibly because of the requirements set by the OECD Council

During the last two years there has been a considerable increase in the number of countries pursuing GHS implementation - possibly because of the requirements set by the OECD Council. Such countries include Guatemala, Honduras, Congo, and Madagascar.

Israel has been a member of the OECD since 2010 and as such, it has been forced to speed up its GHS implementation. Israel notified the World Trade Organization on 3 December 2013 of a draft revision of standard SI 2302 which was supposed to implement GHS in Israel. Public consultation was closed in 2014. However, Israel then reopened consultation on a new draft standard in 2018. In May 2019 Israel finally announced its GHS implementation (Standard SI 2302 Parts 1 and 2) in its official Gazette. Standard SI 2302 is expected to come into force before the end of this year, followed by a three-year transition period. Based on the draft documents Israel has adopted the 4th revised edition.

In addition, there are regional activities towards GHS implementation. The Eurasian Economic Union, consisting of Armenia, Belarus, Kazakhstan, Kyrgyzstan and Russia, adopted the New Technical Regulation on Safety of Chemical Products in 2017. This is expected to enter into force in 2021, making GHS mandatory in the trade bloc's member countries.

Likewise, the Gulf Cooperation Council (GCC) has begun to implement GHS among its member states (Saudi Arabia, Kuwait, the United Arab Emirates (UAE), Qatar, Bahrain, and Oman) after the Gulf Standardization Organization, in partnership with the Gulf Petrochemical and Chemicals Association's Responsible Care Committee, published a Code of Practice (2017) relating to chemical hazard communication. A draft standard (2018) was compiled based on UN GHS Rev. 7 (2017), the EU CLP Regulation, as amended, and a standard produced by the council's standards body the GCC Standardisation Organisation, GSO ISO 11014:2013.

In Africa, the 16 countries of the Southern African Development Community (SADC) have agreed to the SADC GHS Policy on the implementation of GHS based technical regulations, even though not all of them have concrete plans. Due to its chemical trade relations with OECD countries, South Africa took a role as front-runner for GHS-related activities in the SADC region and published national standards SANS 10234:2008 and SANS 10234-A (2008) which implemented the GHS on a voluntary basis. Last year it was announced that South Africa took the next step towards full mandatory implementation as a draft Regulation was published for public consultation and is expected to be finalised in 2020. This regulation will be in alignment with the 6th Revision of UN GHS. In the meantime, Zambia and Mauritius also moved ahead and finalised their mandatory GHS implementation. Other SADC members, such as Botswana, the Democratic Republic of the Congo, Kenya, and Madagascar, are still in the process of GHS implementation.

Steps towards harmonisation

Earlier this year the Asia-Pacific Economic Cooperation (Apec) forum conducted a survey on GHS implementation and convergence among member economies which found that different GHS revisions, different building blocks and different generic cut-off values for building blocks were being adopted, and this leads to divergent implementation. These findings led to several recommendations by Apec, including that countries should adopt the seventh revision of GHS by 2021 and have automatic or legislated review processes to continually update to the newer revisions of GHS.

In the EU a system of regular updates of the legal text has been implemented through "adaptations to technical progress", or "ATPs" that are regularly adopted

Both of these requirements are fulfilled by EU legislation. In the EU a system of regular updates of the legal text has been implemented through "adaptations to technical progress", or "ATPs" that are regularly adopted. On 27 March 2019 the 12th ATP (Commission Regulation (EU) 2019/521) was published in the EU Official Journal, amending the CLP Regulation which was the vehicle for adopting the GHS in the EU. The 12th ATP entered into force 20 days after its publication and the transition period ends on 17 October 2020. By means of the 12th ATP all changes introduced by the sixth and seventh revised editions of UN GHS will be adopted in the EU.

Other countries which are updating their GHS implementation system to the seventh revised edition are Switzerland and Serbia, which have their legislation aligned to the EU legislation. Norway and Iceland are expected to follow soon. The US (currently applying the third revised edition), Australia (third), Canada (fifth) and Brazil (fourth) are all planning an update to the seventh.

Additionally, there are several countries that will directly implement the seventh revised edition, namely Kenya and all the GCC member states of the GCC - the UAE, Saudi Arabia, Qatar, Oman, Kuwait and Bahrain.

Countries that will directly implement the sixth revision are South Africa, Costa Rica and Columbia.

In Japan, GHS was implemented originally in 2009 and updated to the fourth revised edition in 2014, and earlier this year to the sixth revised edition by the standards JIS Z 7252:2019 (Classification of chemicals) and JIS Z 7253:2019 (Hazard communication of chemicals - labelling and safety data sheets). Japan set a three-year transitional period until 24 May 2022 for companies to comply with the new standards.

The GHS World map

The GHS world map is a visualisation of the progress that has been made towards a worldwide GHS implementation, even though there are still considerable gaps. In our GHS world map, which was first published by Chemical Watch in 2016, the following four categories for the implementation status are used:

- GHS implemented: legislation published and mandatory date for implementation set;
- GHS in progress: legislation in progress but not yet published;
- GHS voluntary: legislation published without a mandatory date for implementation; and
- GHS not yet started: GHS implementation not yet started.

It is noteworthy that for purposes of simplification no distinction was made between countries that have implemented GHS in all sectors (workplace, agriculture, and consumer) or only in one or two of these. This distinguishes this map from the GHS map published by Persson et al [Sustainability 2017, 9, 2176].

The GHS is now on revision 8

Even as many countries are now in the process of implementing or updating to the seventh revised edition of UN GHS, the next revision has already been published.

On 18 June this year, the eighth revised edition was released. Changes compared to the previous revision include a new section under Chapter 2.3 on aerosols entitled "chemicals under pressure". These are defined as liquids or solids (such as pastes or powders), pressurised with a gas at a pressure of 200 kPa (gauge) or more at 20°C in pressure receptacles other than aerosol dispensers and which are not classified as gases under pressure. Chemicals under pressure will be classified in one of three categories of this hazard class and labelled with Flame (GHS02) and Gas cylinder (GHS04)

(categories 1 and 2) and Gas cylinder (GHS04) only (category 3), respectively. The new hazard phrases will be H282, H283 and H284. Additionally, a new table comprising the classification criteria for aerosols was inserted.

The classification criteria for skin corrosion and irritation based on *in vitro* or *ex vivo* methods were thoroughly updated and expanded by the inclusion of several new decision trees covering OECD test guidelines 430, 431, 435 and 439

Also, the classification criteria for skin corrosion and irritation based on *in vitro* or *ex vivo* methods were thoroughly updated and expanded by the inclusion of several new decision trees covering OECD test guidelines 430, 431, 435 and 439. The first three OECD guidelines can be applied for the assessment of the skin corrosion hazard class while OECD guideline 439 can be used for the assessment of skin irritation. A tiered approach organising the available information into tiers provides for decision-making in a structured and sequential manner. However, it is important to realise that there are no in vitro or ex vivo tests that can address both skin corrosion and irritation. This hazard class can only be assessed using the described tiered approach involving a weight-of-evidence assessment of at least two *in vitro* or *ex vivo* tests.

Regarding labelling elements, new precautionary pictograms for 'Keep out of Reach of Children' were introduced as well as a new labelling example for sets or kits (Annex 7).

A new Annex 11 providing guidance on other hazards not resulting in classification" was added. Here, a new section on 'dust explosions', comprising definitions, a decision tree, hazard prevention, risk assessment and mitigation guidance, was included.

A look ahead

Over the past few years the number of countries that have already or are in the process of implementing GHS, has increased considerably. This process has been fuelled by the activities of the OECD. It can be expected that within the next decade a greater number of countries will follow suit further reducing the gaps in global GHS implementation.

Dr Florian Seufert, project manager product safety, knoell Germany, also contributed to this article

Judith Breuer

Project manager product safety/chemicals management Knoell Consult

US EPA submits PFAS proposals for interagency review

1 October 2019 / Data reporting, PFCs, TSCA, United States

The US EPA has submitted two regulatory proposals addressing per- and polyfluoroalkyl substances (PFASs) to the Office of Management and Budget for interagency review.

The first is aimed at ensuring that certain long-chain PFASs cannot be imported into the country without the agency's review, while the second would add these chemicals to the Toxics Release Inventory (TRI) toxic chemical list.

Both actions are in line with commitments made under the agency's PFAS action plan earlier this year.

LCPFAC Snur

The first of the agency's proposals looks to amend the significant new use rules (Snurs) for long-chain perfluoroalkyl carboxylate (LCPFAC) substances and for perfluorooctanoic acid (PFOA) or its salts.

Originally proposed in 2015, the rule aims to designate as a 'significant new use' the manufacture or processing of a subset of LCPFAC chemicals that are no longer ongoing. It was designed to complement a voluntary phase-out of PFOA.

However, the agency determined that a supplemental proposal was needed to make inapplicable certain exemptions for LCPFACs used in articles. This is in keeping with a provision in the 2016 amendments to TSCA that "states that articles can be subject to notification requirements as a significant new use, provided that EPA makes an affirmative finding in a rule that there is reasonable potential for exposure."

The second notice of proposed rulemaking (NPRM) was received at OMB on 25 September, beginning an interagency review process that is a necessary precursor to publishing the proposal.

TRI listing

Meanwhile, the EPA has also submitted an advanced notice of proposed rulemaking (ANPRM) to solicit public feedback about adding certain PFASs to the TRI toxic chemical list.

The TRI is a public resource of the chemical release and pollution prevention activities that industrial and federal facilities report. No PFASs are currently included in the list of chemicals required to report under the scheme.

In order to add the long-chain PFASs that the action plan has targeted to the inventory, the EPA must determine whether sufficient data exists to fulfil the statutory listing requirements, as well as whether the resulting data would be considered useful to stakeholders.

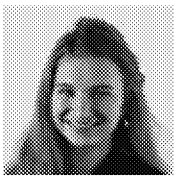
And the ANPRM abstract adds, "in considering if TRI will provide useful information to stakeholders, the EPA also will consider if those PFAS are still active in commerce."

Both the House of Representatives and the Senate are considering legislation to add certain PFASs to the TRI inventory, though neither bill has advanced out of its chamber of origin.

The two proposals mark some of the first progress the EPA has made on the action plan, since its launch in February.

Agency administrator Andrew Wheeler said they "are intended to provide the public with more information on PFAS in the environment and to ensure that EPA receives notice of any plan to import certain persistent long-chain PFAS into the country."

But the plan has been criticised for its focus on long-chain substances rather than the full class of controversial chemicals. These have been the subject of increased scrutiny amid reports of their widespread presence in the environment.



Lisa Martine Jenkins

Americas reporter

Related Articles

- US EPA announces PFAS action plan
- US EPA proposes Snur for perfluoroalkyl carboxylates
- US EPA publishes progress reports on PFOA stewardship programme
- US Congress round-up
- US Congress round-up
- EPA accused of dragging its feet with federal PFAS management plan
- NGO seeks 'moratorium' on new PFASs in US

Further Information:

- Snur notification
- ANPRM notification

US government report recommends measuring progress on alternative tests

1 October 2019 / Animal testing, Test methods, United States

The US National Institute of Environmental Health Sciences (NIEHS) should take steps to ensure progress on the development and promotion of non-animal test methods is measured, according to the Government Accountability Office (GAO). The NIEHS should facilitate the creation of an interagency workgroup to develop metrics to do this and incorporate these into public reports, it says.

The GAO investigated how two government departments and the EPA ensure researchers consider alternatives to animal tests, facilitate their use and assess the effects of their efforts in the area. It reviewed documents and conducted interviews.

The Department of Health and Human Services (HHS), the Department of Agriculture (USDA) and the EPA use a variety of methods to ensure researchers consider alternatives to animal use in research, the GAO says.

These include:

- requiring researchers to obtain approval of their research protocols from their institutions;
- asking researchers to use database searches to identify alternatives;
- conducting inspections of non-federal research facilities; and
- providing training to researchers on consideration of alternatives.

Additionally, the agencies are members of the Interagency Coordinating Committee on the Validation of Alternative Methods (Iccvam), which is managed by HHS's National Institute of Environmental Health Sciences.

"However, the committee and its member agencies have not routinely developed or reported metrics that demonstrate how their efforts to encourage the use of alternative methods affect animal use," the GAO finds.

The findings and recommendations come in GAO-19-629, 'a report to congressional requesters'.

Alternatives target

On 10 September, the EPA announced that it would cease funding mammalian studies by 2035.

The move is generally popular with industry and animal welfare NGOs, but toxicologists and environmental groups are concerned that the deadline is too soon and toxic chemicals may slip through the regulatory system.

The US Society of Toxicology (SOT) subsequently suggested that the EPA needs to remain "flexible".

Related Articles

- US EPA to 'eliminate all mammal study funding' by 2035
- US Society of Toxicology urges EPA to be flexible over testing

Further Information:

- GAO report

US EPA cites eight California companies for chemical safety violations

1 October 2019 / Occupational hygiene, US states

The US EPA has ordered eight companies based in California to pay fines for violations of the federal Clean Air Act's (CAA's) chemical safety requirements.

According to a 24 September press release, all violations have been corrected under the EPA's expedited settlements policy, which is used to address "minor, easily correctable" issues. The companies cited are:

- Foster Farms Belgravia Plant in Fresno, fined $6,600;
- The Wine Group in Ripon, fined $2,400;
- Ratto Bros Inc in Salida, fined $600;
- 6th Street Cooling in Holtville, fined $1,620;
- JR Simplot Company's Helm Plant in Helm, fined $1,800;
- California Dairies Inc in Fresno, fined $3,600;
- California Resource Production Corp, Grubb Lease Gas Plant in Ventura, fined $1,600; and
- Compton Ag Services in Blythe, fined $2,000.

The CAA requires certain industrial sites to "design and maintain safe facilities and minimise the consequences of releases." The companies were cited for violations such as failing to design and maintain safe facilities, or failing to post information on hazardous substances for employees.

"These actions ensure that facilities handling dangerous materials are minimising potential impacts to the environment and the surrounding community," said Mike Stoker, the agency's Southwest regional administrator.

Further Information:

- EPA press release

Worker exposure to toxic chemicals a 'crisis', says UN Human Rights Council

Calls for strengthening global chemicals management regime

1 October 2019 / Built environment, Chemical industry, Exposure scenarios, Global, Multinational bodies, Occupational hygiene, Standards

Governments have a "duty" to prevent workers from unsafe exposure to hazardous substances and businesses a "corresponding responsibility", according to a non-binding resolution, adopted by the UN's Human Rights Council meeting last week.

The resolution describes occupational exposure to toxic substances as a "global crisis" and "condemns the violations and abuses of the rights of workers in all parts of the world through unsafe exposure to toxic and hazardous substances."

It calls on governments and companies to implement 15 principles, previously proposed by a UN expert, in order to strengthen protections in many countries.

Specifically, it says states should "safeguard reproductive health" from unsafe exposure to hazardous substances at work, as part of their obligation to eliminate discrimination against women in the workplace.

It also calls for the "global regime for chemicals management" to be strengthened to prevent and minimise unsafe exposure.

The resolution's publication comes as national chemicals experts meet in Bangkok to discuss the future of the UN's voluntary programme on chemicals management – Saicm – after its mandate ends in 2020.

According to Baskut Tuncak, the UN's special rapporteur on human rights and toxics, the resolution is significant in part because the council "shows increasing recognition that exposure to toxics is a global human rights issue."

The International Trade Union Confederation (ITUC)'s health, safety and environment adviser, Rory O'Neill, agreed on the importance of the resolution's recognition of chemical exposure as a human right.

"It frames chemical exposures in the right context," Mr O'Neill said. "You've got to give people rights to actually object."

15 principles

The 15 principles the resolution recommends that states and companies implement, were published in a report last September by Mr Tuncak, the result of four years he spent monitoring the issue of worker exposure in industries and countries around the world.

The report argues that many companies and national governments are not meeting their duty to uphold the rights of workers under the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights.

These stipulate the right to safe and healthy working conditions.

Some of the principles call on businesses and states to ensure that information about worker exposure to hazardous substances is available and accessible and is never made confidential. One calls for governments to criminalise the practice of allowing worker exposure to hazardous chemicals.

Mr Tuncak said, at the time, that the "importance of the issue has been largely forgotten and deprioritised in relevant international forums, resulting in a lack of global progress in confronting this growing concern."

The International Labour Organization (ILO) estimates that one worker dies every 30 seconds from exposure to toxic chemicals, pesticides, radiation and other hazardous substances.

Ginger Hervey

UN/emerging markets reporter

Related Articles

- UN General Assembly should adopt chemicals resolutions, says Germany
- Worker exposure to hazardous chemicals is a 'global health crisis'

Further Information:

- UN resolution
- Report with 15 principles

BPA among Echa recommendations for REACH authorisation list

1 October 2019 / Alternatives assessment & substitution, Europe, REACH, SVHCs

Echa has recommended that bisphenol A (BPA) is included in the REACH authorisation list, together with 17 other chemicals identified as substances of very high concern.

The proposal follows a public consultation on a draft recommendation for Annex XIV substances last year.

Echa's Member State Committee (MSC) considered the comments received and adopted its opinion in June.

BPA is an SVHC based on its endocrine disrupting properties for humans and the environment, as well reprotoxic properties. Its identification has triggered three separate legal challenges from trade body PlasticsEurope, two of which Echa has won.

The agency recommended another endocrine disruptor with effects on the environment. The substance is used in lubricants and greases:

- reaction products of 1,3,4-thiadiazolidine-2,5-dithione, formaldehyde and 4-heptylphenol, branched and linear (RP-HP) with ≥0.1% w/w 4-heptylphenol, branched and linear (4-Hbl).

It also recommended adding the very persistent and very bioaccumulative (vPvB) chemical dechlorane plus, used as a flame retardant in adhesives and polymers, to Annex XIV.

And it recommended the inclusion of 4,4'-bis(dimethylamino)-4''-(methylamino)trityl alcohol with ≥ 0.1% of Michler's ketone or Michler's base, which is used in printing inks and has carcinogenic properties.

Two substances, both used in epoxy resin hardeners, have respiratory sensitising properties. These are:

- cyclohexane-1,2-dicarboxylic anhydride [1], cis-cyclohexane-1,2-dicarboxylic anhydride [2], trans-cyclohexane-1,2-dicarboxylic anhydride [3] (HHPA); and
- hexahydromethylphthalic anhydride [1], hexahydro-4-methylphthalic anhydride [2],hexahydro-1-methylphthalic anhydride [3], hexahydro-3-methylphthalic anhydride [4] (MHHPA).

The other 12 have reprotoxic properties with different uses:

- 2-ethylhexyl 10-ethyl-4,4-dioctyl-7-oxo-8-oxa-3,5-dithia4-stannatetradecanoate (DOTE): stabiliser in polymers;
- reaction mass of 2-ethylhexyl 10-ethyl-4,4-dioctyl-7-oxo8-oxa-3,5-dithia-4-stannatetradecanoate and 2-ethylhexyl 10-ethyl-4-[[2-[(2-ethylhexyl)oxy]-2-oxoethyl]thio]-4- octyl-7-oxo-8-oxa-3,5-dithia-4-stannatetradecanoate (reaction mass of DOTE and MOTE): stabiliser in polymers;
- dioxobis(stearato)trilead: stabiliser in PVC;
- fatty acids, C16-18, lead salts: stabiliser in PVC;
- trilead dioxide phosphonate: stabiliser in PVC; rubber production; mirror backing;
- sulfurous acid, lead salt, dibasic: stabiliser in PVC; mirror backing;
- [phthalato(2-)]dioxotrilead: stabiliser in PVC;
- trilead bis(carbonate) dihydroxide: artists' paints;
- lead oxide sulfate: mirror backing;
- tetraethyllead: additive in aviation fuel;
- 2-methoxyethanol: solvent; and
- 2-ethoxyethanol: solvent.

Echa said some of the substances it is recommending are currently not used in the EU, but their inclusion should avoid regrettable substitution of others already on the authorisation list.

The European Commission, in collaboration with the member states and the European Parliament, will make the final decision on their inclusion and dates by which companies will need to apply for authorisation.

Related Articles

- Echa proposes 18 substances for REACH Annex XIV
- EU court rejects second case against BPA SVHC identification
- UK backs authorisation route for dechlorane plus

Further Information:

- Echa press release
- REACH authorisation list

Massachusetts Senate advances flame retardant ban

Measure would prohibit 11 substances from range of consumer products

1 October 2019 / Built environment, Children's products, Halocarbons, US states

Massachusetts' Senate has unanimously voted in favour of a bill to ban certain flame retardants from a variety of consumer products.

The bill (S 2338), like a similar one vetoed by the governor earlier this year, extends to children's products, upholstered furniture, carpeting, bedding and window treatments.

If adopted into law, it would prohibit the sale of such products containing more than 1,000 parts per million (ppm) of the following substances in any component part:

- tris(1,3-dichloro-2-propyl)phosphate (TDCPP);
- tris(2-chloroethyl)phosphate (TCEP);
- antimony trioxide;

- hexabromocyclododecane (HBCD);
- bis(2-ethylhexyl)-3,4,5,6-tetrabromophthalate (TBPH);
- 2-ethylhexyl-2,3,4,5-tetrabromobenzoate (TBB);
- chlorinated paraffins;
- tris(1-chloro-2-propyl)phosphate (TCPP);
- pentaBDE;
- octaBDE; and
- tetrabromobisphenol A (TBBPA).

The legislation also calls for the environmental protection department to determine, at least every three years, if other flame retardants should be added to the list.

Products manufactured before 31 August 2020 are not covered. There are also exemptions for products that contain prohibited chemicals due to the presence of recycled materials, the sale of previously owned products, as well as electronics and electronic components of products.

But despite seeing 38-0 support in the Senate, it remains uncertain if the legislation will win support from Governor Charlie Baker, who declined to sign a similar bill into law earlier this year.

In support of his 'pocket veto', Mr Baker told legislators in January that last session's bill (H 5024) would "make Massachusetts the only state in the United States to ban certain flame retardants in car seats and the non-foam parts of adult mattresses, products already subject to federal flammability requirements". And the legislation cleared by the Senate does not explicitly exclude these products.

The bill will now move to the House of Representatives for consideration.

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